Note on 2502-73, Opposition

JL phoned this evening, with misgivings and apologies. Says he made a mistake in the opposition, one to which the Archives can snap back. He had not done the necessary research to see if Ex Order 10501 had been amended. Almost last thing Ike did was to ~~xxxx~~ amend in an apparently senseless way. But it gives Archives an out, a one-thing-to-answer one if they take a chance and ignore the others. The others are solid grounds, too.

This came about, with my concurrence, when he decided to break the contents of my affidavit down and use in various other places instead of one strong shot.

That allegation is not in my affidavit. In my view it is not necessary to our position.

Jim told me Saturday he had to get around to this research. But he filed the opposition earlier. However, he had neither time nor choice, so it really is not his fault. And the Archives should have attached their authority.

The fact remains that the motion to Strike, not the Opposition, is otherwise solid and this, if wrong, does not in any way eliminate or even address the other elements.

I was unhappy that Jim seemed to be so unhappy, so I undertook to console him rather than think. If I had thought I'd have realized that if the Archives did classify this executive session, as they allege, they did it outside the regulations and the ex orders, which require the affixing of certain information that is 100% lacking on all the pages I have. So, they never changed or touched the original classification, which was by the privare corportation providing the repertorial services, except where they declassified, and for the declassification they had and used a proper stamp, in accord with the regulations. The declassify correctly but there is no evidence that they did the classifying.

HW 3/11/74